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Attorneys for Defendants

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

BOARD OF TRUSTEES OF UNITE HERE	)	Case No.: 2:21-cv-00498-JCM-EJY
HEALTH; et al.,	)	
	)	
Plaintiffs,	)	<b><u>STIPULATION AND REQUEST FOR</u></b>
vs.	)	<b><u>STAY OF DISCOVERY FOR</u></b>
	)	<b><u>SEVENTY-FIVE (75) DAYS</u></b>
HRE HOLDINGS, LLC, a Nevada limited	)	
liability company d/b/a Yong Kang Street; et al.,	)	<b>First Request</b>
	)	
Defendants.	)	
	)	

By and through their counsel below, Plaintiffs and Defendants stipulate and request an order as follows:

**A. Facts Relevant to Stay Requested**

1. Plaintiffs filed the Complaint on March 25, 2021.
2. Defendants answered the Complaint on May 28, 2021.
3. On July 12, 2021, the parties were due to file the proposed Discovery Plan and Scheduling Order.
4. Defendants allege that: (i) the restaurant operated by Defendant YKS Paris, LLC, is closed and out of business; (ii) Defendants have had no revenue coming to Defendants for many months; (iii) Defendants are willing to put their resources into trying to resolve this case; and (iv)

1 Defendants understand the responsibilities of the Plaintiffs, who have obligations as fiduciaries.

2 5. The parties want to minimize to the extent possible the expenditure of monies for  
3 attorneys' fees.

4 6. Before engaging in formal discovery, the parties have agreed to engage in some  
5 informal discovery on issues related to the Plaintiffs' pending audit of the Defendants' records, which  
6 will allow Plaintiffs to firm up the amounts they seek from Defendants; and Defendants are making  
7 determinations relative to the individual Defendants' liability. The parties have already exchanged  
8 preliminary lists of documents and data each needs at this juncture. In fact, much of the informal  
9 discovery will be the same as the document and data discovery in this case.

10 7. Following production of the data and documents, and completion of the Plaintiffs'  
11 audit and Defendants' internal reviews and calculations, the parties intend to discuss possible  
12 resolution of this case and/or narrowing of the factual and legal issues.

13 8. Plaintiffs' counsel submitted a request for documents to Defendants' counsel by email  
14 on July 12, 2021, at 5:09 p.m., which included the following for the period April 1, 2019 through the  
15 date on which the restaurant operated by Defendant YKS Paris, LLC closed: (i) Payroll  
16 Registers/Ledgers/Individual Earnings Cards; (ii) IRS Forms W-2 and W-3; (iii) IRS Forms 941, 941C  
17 and 1099's; (iv) Seniority Lists; (v) Personnel files and/or other documentation which support  
18 employee job classifications; (vi) Time Cards; (vii) State Unemployment Tax Returns; and (viii) Cash  
19 Disbursement Journals.

20 9. Defendants allege that the documents and data needed by Plaintiffs are maintained by  
21 Defendants' accountant, who will be out of the country until August 2, 2021, and that, following that  
22 return to the office, two weeks will be needed to pull the information and data needed for the audit.

23 10. The parties agree that the data and documents requested by Plaintiffs for the audit will  
24 be produced by close of business on August 16, 2021.

11. In order to have time to perform the above without engaging in the expense of formal  
discovery, the parties agree a stay of discovery is in order.

12. This Stipulation is made for the purposes stated above and not for purposes of delay

or any other improper purpose.

**B. Stay of Discovery.**

1. The parties agree to stay discovery in this matter for seventy-five days from July 12, 2021, which is until **September 27, 2021**.

2. Defendants will produce the documents requested by Plaintiffs for the audit by **August 16, 2021**.

3. If the parties do not have an agreement to settle by September 27, 2021, the parties will file a Discovery Plan and Scheduling Order no later than **September 30, 2021**, which at this juncture the parties expect to file in compliance with LR 26-1(b). That document is already in draft form.

DATED: July 16, 2021

DATED: July 16, 2021

CHRISTENSEN JAMES & MARTIN

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Board of Trustees of UNITE  
HERE Health, et al.

Attorneys for Defendants

**ORDER**

For the reasons stated above, and for good cause, it is hereby ordered as follows:

1. Discovery is stayed until **September 27, 2021**.

2. By **August 16, 2021**, Defendants will produce to Plaintiffs the documents requested by Plaintiffs in their counsel's email to defense counsel July 12, 2021, at 5:09 p.m.

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DATED: July 19, 2021